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# HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Belarus, Canada, Costa Rica, Czech Republic, Denmark, El Salvador, Finland, Gambia, Guatemala, Hungary, Iceland, Italy, Lithuania, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Russian Federation, Senegal, Slovakia, Slovenia, Spain, Sweden and Venezuela: draft resolution

## International covenants on human rights

The General Assembly,

Recalling its resolution 46/113 of 12 December 1991, and taking note of Commission on Human Rights resolution 1993/15 of 22 February 1993, 1/

Mindful that the International Covenants on Human Rights 2/ constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, 3/ form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary-General 4/ on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

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1/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 217 A (III).

4/ A/48/507.

Welcoming the fact that the total number of States parties to each of the Covenants has increased significantly through recent ratifications or accessions, while noting at the same time that many States Members of the United Nations have yet to become parties to them or to the Optional Protocols or to the Covenant on Civil and Political Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights 5/ and the International Covenant on Civil and Political Rights 5/ and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, 6/

Also recognizing the important role of the Committee on Economic, Social and Cultural Rights in the implementation of the International Covenant on Economic, Social and Cultural Rights,

Welcoming the submission to the General Assembly of the annual report of the Human Rights Committee 7/ and the report of the Committee on Economic, Social and Cultural Rights on its seventh session, 8/

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

Noting with satisfaction the ongoing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve their methods of work,

Noting with concern the critical situation with regard to overdue reports from States parties to the International Covenant on Human Rights,

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5/ Resolution 2200 A (XXI), annex.

6/ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

7/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 40 (A/48/40).

8/ Official Records of the Economic and Social Council, 1993, Supplement No. 2 (E/1993/22).

Bearing in mind the successful conclusion of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and the adoption of the Vienna Declaration and Programme of Action, 9/ and taking into account in particular the call for strengthening and further implementation of the human rights instruments,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Once again urges all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

3. Welcomes the Secretary-General's intention to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants;

4. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. Stresses the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for and appropriateness of measures taken in these circumstances can be assessed;

7. Stresses the importance of fully taking into account the gender perspective, i.e., the need to take into account the specific needs and situation of women in the implementation of the Covenants at the national level, including the national reports, and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

8. Encourages the States to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure

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9/ A/CONF.157/24 (Part I), chap. III.

that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

9. Further encourages the States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

10. Takes note with appreciation of the annual reports of the Human Rights Committee submitted to the General Assembly at its forty-seventh 10/ and forty-eighth sessions; 11/

11. Also takes note with appreciation of the reports of the Committee on Economic, Social and Cultural Rights on its sixth 12/ and seventh 13/ sessions;

12. Expresses its satisfaction with the serious and constructive manner in which both Committees are carrying out their function;

13. Welcomes the efforts of the Committees to further improve their working methods, in particular by adopting concluding observations containing specific suggestions and recommendations concerning steps States parties could take to implement the Covenants more effectively;

14. Invites the Committees to identify specific needs of States parties that might be addressed through the Advisory Services and Technical Assistance Programme of the Centre for Human Rights, with the possible participation of members of the Committees where appropriate;

15. Encourages the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to consider further innovations in their working methods, in particular, aiming at the prevention of serious human rights violations in their respective fields of competence and the promotion of peaceful solutions;

16. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar human rights questions to respect these uniform standards, as expressed in the general comments of the Human Rights Committee;

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10/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40 (A/47/40).

11/ Ibid., Forty-eighth Session, Supplement No. 40 (A/48/40).

12/ Official Records of the Economic and Social Council, 1992, Supplement No. 3 (E/1992/23).

13/ Ibid., 1993, Supplement No. 2 (E/1993/22).

17. Also welcomes the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments on the provisions of the International Covenant on Economic, Social and Cultural Rights;

18. Urges States parties to fulfil in good time such reporting obligations under the International Covenants on Human Rights as may be requested;

19. Urges States parties to the International Covenant on Economic, Social and Cultural Rights, the specialized agencies and other relevant United Nations bodies to extend their full support and cooperation to the Committee on Economic, Social and Cultural Rights;

20. Also urges States parties to take duly into account, in implementing the provisions of the Covenant, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

21. Invites States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights as well as the summary records relating to the examination of those reports by the Committees;

22. Encourages all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

23. Requests the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

24. Requests the Secretary-General, in accordance with the Vienna Declaration and Programme of Action, 14/ to make appropriate arrangements for additional resources from within the regular budget to be provided to the Human Rights Committee for dealing in an effective and timely manner with the increasing workload under the First Optional Protocol to the International Covenant on Civil and Political Rights;

25. Also requests the Secretary-General to ensure that the Centre for Human Rights of the Secretariat effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates;

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14/ A/CONF.157/24 (Part I), chap. III, part II, paras. 9-12.

26. Once again urges the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

27. Requests the Secretary-General to submit to the General Assembly at its fiftieth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

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